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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

HERBERT FRANKLIN III, an individual;

Plaintiff,

v.

EXPERIAN INFORMATION SOLUTIONS,
INC., a foreign corporation; CAPITAL ONE
BANK USA, N.A., a national banking
association;

Defendants.

Case No.: 2:16-cv-00044-APG-GWF

**STIPULATION AND ORDER FOR
DISMISSAL OF DEFENDANT
CAPITAL ONE BANK (USA), N.A.
WITH PREJUDICE**

Plaintiff, Herbert Franklin III, and Defendant, Capital One Bank (USA), N.A. (“Capital One”) (collectively referred to as “Parties”) have resolved all claims, disputes, and differences between the Parties in the above-referenced matter;

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Therefore, the Parties, by and through their respective attorneys of record, and subject to the court's approval, respectfully request dismissal of the above-captioned matter with prejudice under FRCP 41(a)(1)(A)(ii) as to Capital One, with each party bearing their own attorneys' fees and costs incurred in this action.

Respectfully Submitted.

Dated: October 5, 2016

Dated: October 5, 2016

**LAW OFFICE OF
KEVIN L. HERNANDEZ**

FERNALD LAW GROUP LLP

/s/ Kevin L. Hernandez
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*Attorney for Defendant Capital One Bank
(USA), N.A.*

**ORDER OF DISMISSAL WITH PREJUDICE AS TO DEFENDANT CAPITAL ONE
BANK (USA), N.A.**

Pursuant to the stipulation of the Parties under FRCP 41(a)(1)(A)(ii), this case is dismissed with prejudice as between Plaintiff and Capital One. Plaintiff and Capital One will bear their own attorneys' fees and costs incurred in this action.

IT IS SO ORDERED:


UNITED STATES DISTRICT JUDGE

DATED: October 5, 2016

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing **STIPULATION AND ORDER FOR DISMISSAL OF DEFENDANT CAPITAL ONE BANK (USA), N.A. WITH PREJUDICE** was electronically served via the U.S. District Court CM/ECF filing system to the following party:

Brandon C. Fernald, Esq.
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Dated: October 5, 2016

/s/ Caesy Morales.
An Employee of the Law Office of Kevin L Hernandez

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